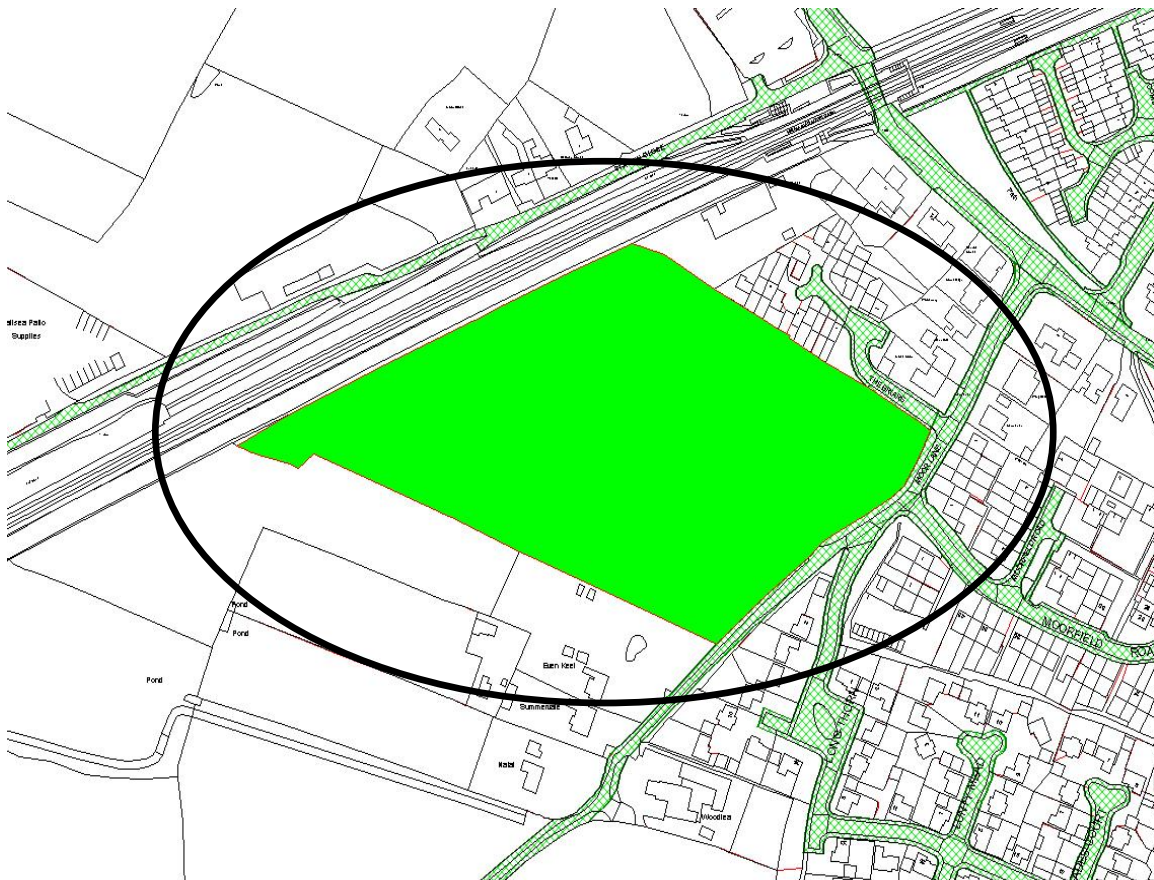


Planning and Regulatory Committee 08.06.16

SECTION 1

APPLICATION NO: 15/P/1916/O	CASE OFFICER: Lee Bowering
APPLICANT: Taylor Wimpey	
PARISH/WARD: Backwell/Backwell WARD COUNCILLOR(S): Cllr K M Barclay	TARGET DATE: 20 November 2015
SITE ADDRESS: Land at Moor Lane, Backwell, BS48 3LL	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



SECTION 1

6. Section 1: 15/P/1916/O Outline planning permission for the erection of up to 65 dwellings with associated car parking, landscaping, open spaces and access. All matters reserved except for access at Land at Moor Lane, Backwell, BS48 3LL

DEPARTURE FROM DEVELOPMENT PLAN
COUNCIL OWNED LAND

Summary of recommendation

It is recommended that, subject to the completion of a legal agreement, the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

- The site is located immediately west of small developed area north of Moor Lane Backwell and between Moor Lane and the main Weston to Bristol rail line. Backwell station is immediately to the north on a high embankment. The easternmost of two fields within the site is grassland; the westerly is covered partially with scrub growth. It is a broadly level site.
- Moor Lane peters out into a rural track serving fields but at its western end provides a means of accessing a housing estate.
- The application site is 2.9ha. Part is Council owned land.

The Application

- The application is for outline planning permission for up to 65 dwellings with car parking, landscaping and open space.
- Access is not reserved for future approval and is shown to be taken from the early straight section of The Briars which is connected to Moor Lane. Layout, appearance, scale and landscaping are reserved for subsequent approval.
- An illustrative layout is provided, showing a margin of open space adjacent to the rail embankment, in which an attenuation pond is located. The south-west and northern boundaries indicate a possible bat flight corridor.
- Approximately 30% (22) are proposed to be affordable dwellings and a mix of dwellings sizes of 2-5 bedrooms is proposed. This has been amended subsequent to the original submission to 20x4 bed and 23 x3 bed dwellings (initially 30x 4 bed and 13 x 3 bed market dwellings), with 6 x1 bed apartments, 2x 2 bed houses, 8 x3 bed, 5 x 4 bed affordable houses, listed as proposed social rented.
- An illustrative layout, planning statement and Design and Access Statement accompany the application, together with other supporting documents covering detailed aspects.

SECTION 1

- The development is described as being principally of 2-2 1/2 storeys with some 3 storey in key locations.
- It is stated that the badger setts can be relocated and protected within areas of retained woodland and informal public open space, and suitable habitats and features for reptiles, great crested newt and invertebrates can be provided.

Relevant Planning History

Year	Reference	Proposal	Decision
1994	94/0718	Continuation of use of land for parking motor coaches and mobile office for three years (N.B. This use has existed following a series of applications since the 1970s)	Approve with conditions

Policy Framework

The site is affected by the following constraints:

- Aerodrome safeguarded zone
- Inside Backwell settlement boundary
- Backwell-Service Village
- Coal Authority Development Low Risk Area; High Risk in small area to north west of site
- Small area on EA 1:100 year flood map-surface water and areas outside site to south have similar designation
- Safeguarded employment area
- Greater Horseshoe Bat Protection Area(Policy ECH 11)
- Safeguarded employment area
- Mixed Use development site (Capacity for approx. 55 dwellings and 1ha of employment land)

The Development Plan

North Somerset Core Strategy (NSCS) (adopted April 2012)*

The following policies are particularly relevant to this proposal:

SECTION 1

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS20	Supporting a successful economy
CS25	Children, young people and higher education
CS26	Supporting healthy living and the provision of health care facilities
CS27	Sport, recreation and community facilities
CS32	Service Villages
CS34	Infrastructure delivery and Development Contributions

* Core Strategy - High Court Challenge

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The next stage is the examination of the other remitted policies which is currently in progress.

North Somerset Replacement Local Plan (NSRLP) (saved policies) (adopted March 2007)

Three NSRLP policies were not saved in March 2010. The Core Strategy supersedes some but not all of the remainder. It does not fully supersede the policies listed below.

The following policies are particularly relevant to this proposal:

SECTION 1

Policy Ref	Policy heading
GDP/3	Promoting good design and sustainable construction
ECH/1	Amenity areas and gateways to settlements
ECH/2	Public art
ECH/6	Archaeology
ECH/9	Forest of Avon
ECH/11	Protected species and their habitats
E/3	Mixed use development
E/4	Proposals for new business developments within towns and defined settlements
E/5	Safeguarded employment areas
H/2	Proposed sites for new residential development incorporating target for previously developed land and phasing
H/7	Residential development within settlement boundaries
T/1	Existing and proposed railway lines
T/2	Existing railway stations
T/4	Existing public car parks
T/6	Parking standards
T/10	Highway safety, traffic and the provision of infrastructure associated with development
T/11	Travel plans
RT/3	Town and district centres (other than WsM)
RT/5	Local shopping
CF/1	Provision of cultural and community facilities (Developer Contributions)
CF/2	Cultural and community facilities within settlement boundaries
CF/4	Safeguarding of existing and proposed cultural and community sites and buildings

The Backwell Neighbourhood Plan

The Backwell Neighbourhood Plan was formally 'made' by the council on 24 March 2015, at which point it became part of the statutory development plan. The site is shown as a potential development site. It is shown split into Parts A & B and states that residential development and employment is supported.

A section of Moor Lane forms part of Backwell Round walking route.

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
Sustainability 1	Renewable energy

SECTION 1

Sustainability 2	Sustainable drainage
Highway 1	Transport assessments
Highway 2	Provision of transport infrastructure
Highway 3	Provision of cycling and walking routes
Development 1	Housing and commercial development
Development 2	Small dwellings
Development 4	Development on agricultural land

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
1	Building a strong, competitive economy
2	Ensuring the vitality of town centres
4	Promoting sustainable transport
5	Supporting high quality communications infrastructure
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting healthy communities
10	Meeting the challenge of climate change, flooding and coastal change
11	Conserving and enhancing the natural environment
12	Conserving and enhancing the historic environment

National Planning Practice Guidance (from March 2014)

Emerging Development Plan - Sites and Policies Plan Part 1: Development Management Policies

The Sites and Policies Plan Part 1: Development Management Policies is currently out for consultation on the proposed Main Modifications following the examination hearings in November 2015 and the Inspector's interim report which was received on 13 November 2015. The consultation on the proposed Main Modifications ended on 2nd March 2016 the Inspector's final report was received on the 26th April 2016 and the Council aims to adopt the Plan on the 19th July. The plan making is now in its final stages and close to adoption

SECTION 1

so policies within the plan carry significant weight in accordance with paragraph 216 of the NPPF and can be used to determine planning applications.

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM19	Green infrastructure
DM22	Existing and proposed railway lines
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM28	Parking standards
DM29	Car parks
DM31	Air safety
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM34	Housing type and mix
DM36	Residential densities
DM37	Residential development in existing residential areas
DM42	Accessible and adaptable housing and housing space standards
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

Site Allocations Plan Part 2 March 2016 (Consultation Draft) has been consulted upon. This document will include additional residential allocations to address the new Core Strategy housing requirement in the light of any changes resulting from the examination of the other remitted policies. The site is allocated in the Plan for residential. Preparation of this document and the associated evidence base has informed the Council's position on 5 year supply.

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)

SECTION 1

- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015)
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: There are 69 letters of objections and the principal points made are:

- Increase in volume of traffic
- Lack of suitable infrastructure
- The current road structure is already insufficient to support the amount of current traffic; already a lot of traffic congestion; roads are already congested due to parked cars
- The roads are already particularly dangerous for pedestrians
- This development will change the character of the village
- Backwell is a village, not a town
- The proposed site has been allocated for light industrial development
- The development is contrary to the Backwell Neighbourhood Plan
- There are other areas in Backwell that are more suitable
- Loss of green belt
- Unnecessary strain on local amenities
- Unnecessary strain on the doctors and other amenities
- Local schools would be over subscribed
- The number of houses considered is very high
- Wrong mix of housing requirements for the local needs
- Proposed high density of housing is out of keeping with the village
- Wrong sized houses being delivered
- Flood risk
- Needs to be a more up to date ecological assessment

SECTION 1

- Loss of wildlife and major impact on wildlife habitats; removal of hedgerows
- Increase in noise and air pollution
- Building works will cause major disruptions to daily lives of the local residents

There are 7 letters of support and the principal points made are:

- There is a need for more affordable housing in the area
- The development will help young families

These matters are addressed within the planning issues sections.

Backwell Council: 04/09/2015:

Resolved: Unanimously Backwell Parish Council request NSC delay this outline planning application until the Parish Council's October meeting for comment, as they have only been able to observe the application on NSC's website for the past couple of days. They are presently waiting to meet with Taylor Wimpey for discussions as part of their consultation process as promised back in June, when Taylor Wimpey gave a presentation to Councillors at the Parish Hall. The Parish Council feel it is imperative Taylor Wimpey take on board the Parish Council's comments in accordance with their Neighbourhood Plan.

07/10/2016 “Resolved: Unanimously Backwell Parish Council are very concerned that this is seen to be a normal outline planning application from a developer, but in fact it has come about because BPC were chosen as a pilot under the Localism Bill to produce its own Neighbourhood Plan, the first in North Somerset and in fact the 30th in the country. The Plan has been adopted by NSC, and Moor Lane is the suggested preferred site for reasonable development until 2026.

The site is part owned both by NSC and Taylor Wimpey. In the spirit of the Neighbourhood Plan both Taylor Wimpey and NSC must take on board what the Parish Council has indicated in their Neighbourhood Plan. Their residents will not accept any decision that falls outside of the Plan, and will expect the Parish Council to use all means at their disposal to fight any that does not.

The question has to be asked if NSC and the developer ignore the Neighbourhood Plan, then what is the use of other Council's developing Plans? BPC has to date had two meetings with Taylor Wimpey, and there has been a willingness to co-operate, but there are two main obstacles; the mix of houses and the traffic problems that would occur in Moor Lane and the junction with Station Road. The Parish Council are of the opinion the type of houses Taylor Wimpey are suggesting are very run of the mill that can be seen on most developments, it is quite clear that the 3 bedroomed houses offered are not suitable for retirement or downsizing, but are good for first time buyers. As the

SECTION 1

overwhelming demand is for small retirement properties as well as superior bungalows for downsizing, the Council respectfully asks they be included in the mix, thereby giving plenty of choice.

The Council accept that an outline planning application is to agree it in principle, but are of the opinion they need more dialogue with both Taylor Wimpey and NSC to address these issues. Therefore BPC request NSC defer the application until all parties are in agreement in accordance with the Parish Council's Neighbourhood Plan.”

Other Comments Received:

Environment Agency: Comments awaited

Flood Risk Management (Drainage) Team

The Flood Risk Management (Drainage) Team wish to condition the proposed development, as the submitted information does not contain sufficient detail to make a full assessment on the proposed sustainable drainage system.

Wessex Water

(Wessex supplied an extract from their records showing the approximate location of our apparatus within the vicinity of the site.)

Item 3.62 of Utility Infrastructure Site Appraisal Report correctly describes the location and size of the sewers crossing the site as shown on the sewer record..... There must be no tree planting within 6 metres of the live sewers, no level changes without agreement with Wessex Water and no building within 3 metres of the sewers up to 375mm diameter and 4 metres for the 525mm diameter sewer. Subject to application and engineering agreement it may be possible to divert these sewers to achieve appropriate easements; which will be at the developer's cost.

Our records also indicate the presence of a culverted watercourse on the eastern boundary of the site, details of which should be obtained from the LLFA.

The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's S104 adoption of new sewer guidance DEV011G for further guidance.

There is current adequate available capacity within the existing public foul water network to accommodate the predicted foul flow only from 65 dwellings. The applicant has indicated that surface water will be attenuated on site and discharged to watercourse. Proposals will require the approval of the LLFA.

North Somerset Internal Drainage Board

SECTION 1

The FRA proposes that surface water run-off should be limited to 2 l/sec/ha in recognition of the fact that the increased impermeability which results from developing greenfield sites necessarily results in an increase in the volume of surface water run-off. Although this figure is in accordance with national guidance it is recognised¹ that the 2 litre/sec/ha limit is only effective for relatively short duration events and does little to deal with prolonged periods of wet weather which are the dominant cause of drainage and flooding problems in the Board's area.

The drainage path from this site passes into a particularly vulnerable area which already suffers from periodic water-logging and flooding of both highways and domestic and commercial properties and in liaison with North Somerset Council, the Board is currently considering what strategic actions would be needed to accommodate this extra water should this as well as some or all of the several other large development proposals in the catchment go ahead and reserves the right to seek contributions towards the associated costs.

Although the Board would not wish to undertake the maintenance of any attenuation facilities and open watercourses within the site, it does expect such facilities to be provided with adequate access and robust financial arrangements for their future maintenance.

The Board's policy is to ensure that all new developments should be provided with a hydraulically adequate and readily maintainable drainage route between the site and the nearest Board maintained watercourse - in this case either the River Kenn or the linear ditch to the south-west. The Board will advise against the discharge of any drainage condition until this aspect of the proposals is satisfactorily addressed.

The various possibilities for the surface water drainage path from the site have been identified in the FRA but the preferred option has not been determined. One of the options suggested would make use of the existing culverted watercourse which runs along the north-east boundary of the site but because this may discharge into the railway ditch which is currently unsuitable and the culvert has an overflow to the Wessex system suggesting there have been capacity issues, we would require further evidence of its suitability before agreeing to its use.

Whichever route is finally chosen, the Board may be willing to assist in the implementation and future maintenance of the associated off-site works on a cost-rechargeable basis.

In principal the Board does not object to the proposed development but however requests that conditions and informatives be included should the application be approved.

SECTION 1

Highways England:

Offers no objection

Natural England

Concerned that, in-combination, development of all of development sites may have an adverse impact on the North Somerset and Mendip Bat SAC through cumulative loss of commuting routes and foraging habitats.

At this stage, Natural England can only recommend that a clear in-combination assessment methodology is prepared, assessing all sites against known baseline information so that we can be clear which areas are critical for the bats and which are not.

Environmental Protection

Noise

The applicant has submitted a Noise and Vibration Report which has assessed noise and vibration levels across the site from both the railway line and traffic on Moor Lane. Overall the site fits into the former PPG24 Noise Exposure Category (NEC) A, which means that noise levels are unlikely to be detrimental. However the facades of the properties facing the railway line fall within NEC B and will require noise mitigation to be included in the design of these properties. A condition should be attached to any planning permission to address this (see conditions).

Contaminated Land

A former sewage treatment works once existed in the southern part of the site, which has the potential for contamination to be present on the site. A site investigation will be required prior to development commencing to investigate the risks that any potential contamination might pose to future users of the site. Recommend that conditions (stated in the recommendation) are attached to any planning permission.

Avon and Somerset Police

At this stage where outline planning is sought, (with all matters reserved except for access), it is difficult to make detailed comments as to the design and layout from a crime reduction point of view. The illustrative master plan included in this application is only an 'indicative site layout demonstrating the likely positioning of

SECTION 1

built form, possible internal highway layout and designated open space within this site.'

Parking has caused issues in the roads nearby this planning application site impacting on residents, local policing team and the Parish Council.

It is important consideration is given to the parking arrangements within this development, and measures should be taken to ensure parking issues do not impact on residents or neighbours or increase demand on resources when North Somerset Council take control of on-street parking enforcement across the district. Adequate parking space should be incorporated as per NSC Parking Standards SPG, and any parking on the highway should not cause any obstruction to access to this development. This could include measures such as parking restrictions, allocated parking. 'Secured by Design' prefers cars parked in locked garaged, or on hard standing within the dwelling boundary, where communal parking is necessary, they should be in small groups, close to and adjacent to homes and must be within view of active rooms.

A requirement of North Somerset Councils Supplementary Planning Document is that affordable housing meets the requirements of Secured by Design (SBD). I administer this scheme in North Somerset; as yet have had no contact from the developer with regard to this development. It is essential crime reduction measures are incorporated at the earliest possible stages to ensure safe and secure environment and the requirements of SBD met.

Wales and West Utilities

No apparatus directly affects the site, though there is a pipeline in Moor Lane.

Principal Planning Issues

The principal planning issues in this case are (1) The principle of residential development in this location (2) transport and access considerations, (3) landscape character impact, (4) impact on character of the area (5) ecology, (6) flood risk, (7) impact to neighbouring residents, (9) infrastructure requirements and (10) other considerations.

Issue 1: The principle of residential development in this location

Section 38 (6) of the Planning and Compulsory Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 11 and 196 reinforce this message. The relevant parts of the development plan for the site comprises the saved policies of the North Somerset Replacement Local Plan 2007, the adopted

SECTION 1

policies within the Core Strategy and the Backwell Neighbourhood Plan (plan was made in March 2015).

Most policies in the Core Strategy are adopted. The remaining 'remitted' policies (CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33) are however yet to be adopted, although only very minor changes to these policies are proposed. Remitted Policy CS14 (Distribution of New Housing) will be updated to identify where, in broad terms, the remaining housing balance (1,715 dwellings) up to 2026 will be delivered. The intention is that additional housing land will be distributed in the most sustainable locations for 1,715 dwellings. The Council must also demonstrate that it has a deliverable rolling 5-year supply of housing land when measured against the remaining Core Strategy housing figure and has been pursuing strategy of addressing a shortfall identified in April 2015. In circumstances where the Council is unable to demonstrate a 5 year supply of deliverable housing sites, the housing policies of the Core Strategy and Local Plan are not considered up to date and paragraph 14 of the NPPF is engaged. This states that where the development plan is absent, silent or relevant policies are out of date, the presumption is to approve sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The draft Site Allocations Plan was considered at Executive Committee on 2 February 2016. This includes additional residential allocations to address the new Core Strategy housing requirement. Preparation of this document and the associated evidence base has informed the Council's position on 5 year supply. The draft considered by the Executive included proposed new housing allocations at Weston-super-Mare, the three towns and at some key service villages, including Backwell. It is recognised that given the circumstances, the Council cannot rely on the plan-making process alone to address the housing shortfall, and must also actively grant permissions in parallel with the plan making process. This is already in progress with, for example, the Committee resolving to approve proposed developments at Churchill, Yatton and Congresbury. Through this route, the April 2016 reassessment of housing supply shows that the supply has been reinstated.

Policy CS32 of the Core Strategy states that proposals for small scale development appropriate to the size and character of the village which respects the character of the village and supports or enhances the village's role as a local hub for community facilities and services, employment and affordable housing, including public transport will be supported. Residential development will be permitted within the settlement boundaries particularly where the proposal meets an identified local housing need in respect of affordability or dwelling mix, does not generate a demand for local services on a scale that cannot be met, or supports the retention of existing services.

SECTION 1

Policy H/7 of the North Somerset Replacement Local Plan permits the construction of new dwellings in settlement boundaries provided that other criteria are met (such as design requirements, the need to protect the living conditions of neighbours, and the need to provide adequate amenity space).

Policy DM37 of the Sites and Policies Plan Part 1 states that proposals for new dwellings in sites within predominantly residential areas will be permitted provided they do not adversely affect the character of the area. The site comprises an undeveloped area of land that is used for agricultural purposes, but is within the settlement boundary so this does not preclude residential development provided the criteria of Policies CS32 and H/7 are met.

These are assessed in more detail in the subsequent sections of this report. Furthermore, sites such as this within a settlement that provides a good range of functions and facilities can constitute sustainable development in accordance with the NPPF and contribute to the 5 year housing land supply within the district.

In addition Backwell Future (Backwell Neighbourhood Plan) was formally made by North Somerset Council on 24th March 2015. It therefore is part of the development plan for North Somerset, sitting alongside other policies in the Core Strategy and the North Somerset Replacement Local Plan. Where the Backwell Plan is silent on a particular planning issue then it will be policies in either of these plans which must be used. Also, the Sites and Policies Plan Part 1 will shortly be undertaking examination and so policies within the plan which are not subject to objection must be judged as having considerable weight and should also be used where relevant.

In respect of the Backwell Neighborhood Plan, paragraph 198 of the NPPF states that where a planning application conflicts with a neighborhood plans that has been brought into force, planning permission should not normally be granted. Paragraph 083 of the National Planning Practice Guidance states that *“Neighborhood plans are an important part of the plan-led system. The Government’s policy intention when introducing neighbourhood planning was to provide a powerful set of tools for local people to ensure that they get the right types of development for their community, while also planning positively to support strategic development needs.”*

The supporting text in para 8.9 of the Neighbourhood Plan states:

“...Development Sites. The Neighbourhood Plan identifies sites where development and in the case of Sites A and B, residential and employment development, is supported.” (Sites A and B combine to make up the planning application site). There is no recommended ratio in the plan between

SECTION 1

employment and residential development, nor that there is any distinction between the uses on site A or B.

Paragraph 9.3 a) of the Neighbourhood Plan also relates to employment development on this site as follows:-

“3 hectares of land at Moor Lane were designated B1 for office/research/light industry many years ago and confirmed in the 2007 Replacement Local Plan, but development has not materialised. The Neighbourhood plan favours the use of this site for mixed use development. Such an approach should help viability and thus help to bring it forward.”

Notwithstanding this, the site was allocated for employment for many years for without a planning application being made. In accordance with Policy E/5 of the NSRLP removal of this allocation is unlikely to materially affect the amount of employment land available in the village. The Council’s economic development team have previously indicated that there has been a lack of interest in this site from the business community. Moreover an application for new employment at Coles Quarry (planning ref: 14/P/0304/F) was approved on 15 February 2015. This includes the erection of 15 industrial units for use class B1a, B1b, B1c, or B8 following demolition of existing works buildings with associated access road improvements, car-parking, contouring and hard and soft landscaping. This would provide significant employment provision in Backwell and based on the lack of interest in developing the Moor Lane site is considered to provide a more realistic prospect of enabling employment provision. In addition paragraph 22 of the National Planning Policy Framework(NPPF) states: *‘ Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.....Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’*

A report was considered by Executive on 2 February 2016 to allow consultation on the draft Site Allocations Plan. This plan allocated sites to meet the Core Strategy housing target of 20,985 homes within North Somerset up to 2026. The application site is proposed to be allocated in its entirety for housing development within the draft plan, for an indicative 65 dwellings. Although the plan has limited weight in relation to decision making as it is at an early stage in preparation, it provides additional support for this planning application.

The Backwell Neighbourhood Plan paragraph 5.5 states that *“the community consultation undertaken during the preparation of the Neighbourhood Plan highlighted that the two areas of land at Moor Lane Fields and Farleigh*

SECTION 1

Fields are valued by the local community for reasons including their character, recreational value and the richness of wildlife. Backwell Parish Council will work with North Somerset Council to establish how recognition of their valuable features may, in future be incorporated into the development plan". It goes onto state "Backwell Parish Council will seek to promote the allocation of appropriate areas of Local Green Space at Moor Lane and Farleigh Fields in the development plan."

Planning Policy: Development 1 of the Neighbourhood Plan states that *"Housing development in Backwell which is at a level appropriate to the size and character of the settlement will be supported"*. The development can reasonably be considered to be small in relation to the overall size of the village and proportionate. It is unlikely to affect its character, as it is largely concealed by existing development on Station Road and to the south, with a natural boundary formed by the rail line to the north. To the western boundary it is proposed to retain existing hedgerow and tree borders which create a natural edge to the village at this point. It is also located close to a substantial area of modern residential development and has no harmful impact on any heritage assets.

Policy H/7 of the NSRLP states: *'Within settlement boundaries, as defined on the Proposals Map, residential development, including the construction of new or replacement dwellings, will be permitted, provided that the proposals:*

- i. would not generate demand for local services on a scale that cannot be met without prejudice to other policies and proposals of the Plan;*
- ii. respect the massing, scale, proportions, materials and overall design and character of the existing property (if any) and the character of the surrounding area;*
- iii. would not prejudice the amenities of adjoining occupiers;*
- iv. would not prejudice the retention of adequate private amenity space, and include adequate private amenity space for any new separately occupied dwelling; and*
- v. would not lead to urban housing needs being met in locations outside the four main towns where employment opportunities are more limited and which would add to or contribute to creating a dormitory settlement with high levels of out-commuting.'*

The description of the application is for 'up to 65 dwellings'. Whilst it may be possible to accommodate this number, and the layout shown appears to showha of open space and protects the northern, south western and much of the south-eastern borders of the site it is possible that detailed site planning might bring forward a preferred means of accommodating local green space within the development, which might result in some reduction of numbers. The allocation of appropriate areas of local green space can be addressed at the reserved matters stage, but the indicative layout shows areas of open space at

SECTION 1

the northern and southern edges of the site. The precise quantity and location would require further discussion prior to and during reserved matters stages.

National policy supports a sustainable approach to development in the rural areas with the emphasis being on supporting services, employment and facilities in larger villages. In the planning system substantial benefit is attached to housing supply by the Government, however this does not override all other considerations. As set out in the NPPF, where the adverse impacts of a proposal “significantly and demonstrably” outweigh the benefits, then planning permission should be refused. The Government’s view of sustainable development is set out in the NPPF. Sustainable development has many strands, but its core dimensions fall into 3 broad limbs - economic, social and environmental. This outline application therefore should be assessed against each of these dimensions. The Core Strategy already identifies Backwell as a service village. For service villages the strategy is for them to provide a service function beyond the immediate locality and become a focal point for local housing need, services and community facilities. In terms of general principles it is noted that the intentions of Policy CS32 is for larger villages to become more self-contained in terms of supporting services, employment and facilities.

It is considered that Backwell and the application site can be regarded as a sustainable location for further development taking into account, economic, social and environmental factors. In this regard, Backwell has some sustainable advantages over other Service Villages in North Somerset being located on a main line rail link with station car parking provision and an A road between Bristol and Weston. The village is served by the W1 bus which operates on an hourly basis from Weston to Bristol via Cleve, Backwell, Flax Bourton Long Ashton. The X8 provides half hourly services to Bristol and Portishead and the A2 links Nailsea with Bristol Airport. Stops are around 200m away which is considered to be well within walking distance, but contributions to improving these is sought. Use of public transport however in itself is not a definitive measure of the relative sustainability of a site as consideration must also be given to the availability of day to day services and facilities and the manner in which these are connected to the proposed development. This is considered further in Issue 2, but it can be stated that there is a range of services and functions within the village that are all accessible by footpath and within walking distance of the site.

Taking account of these factors, it is considered that the combination of services within the settlement, accessibility to these from the site and the access to public transport provision in proximity of the application site means that Backwell is broadly sustainable in transport terms and is therefore is strategically well placed to accommodate appropriate additional housing where this complies with other policy needs.

SECTION 1

Paragraph 112 of the NPPF states that Local Planning Authorities should take account of the economic benefits of the best and most versatile agricultural land (BMV). However this site does not fall within this category and the quantity of land involved is relatively small.

Residential mix

Policy Development 1 of Backwell Future positively encourages smaller dwellings of internal floorspace of not more than 100 square metres. This is based on evidence which demonstrated a need for smaller dwellings in Backwell for starter homes, affordable housing, or dwellings suitable for older persons to downsize (para 8.1). Although the application is in outline only with all matters other than access reserved, the accompanying statement indicated initially that the predominant open market house type to be 4 bedrooms, which would not meet the community aspirations. This has now been amended by the developer to increase the proportion of smaller family sized 3 bed homes with a consequent reduction of 4x bed ones. The developer points out that from their market experience the mix they now propose will be attractive to potential downsizers in the village, thereby releasing larger family homes. However the scheme will need to be tested at reserved matters stage for its compliance with this policy.

Other matters relating to design and layout

The energy efficiency and renewable generation of energy are matters that will be picked up through conditions where appropriate and in certain respects at reserved matters stage.

Conclusions

It is concluded that the proposals accord with the development plan, and the National Planning Policy Framework, and there are other material considerations that also weigh, on balance, in favour of approval. The application site is within the defined limit for development, and can be considered to be small scale in relation to the village and does not conflict with any designations or policy tests. This together with the accessibility of the location to village facilities, the relative sustainability of Backwell as a service village and the weight of the need to ensure the 5 year supply of housing land constitute compelling reasons to approve the application on this site. The development moreover offers the potential to support the viability of local shops, businesses and community activities. Social sustainability is also achieved primarily through the contribution towards the supply of housing and the housing mix where there is need for additional housing stock.

Issue 2: Transport and Highway Impact

SECTION 1

The NPPF says (Para. 29): “Transport policies have an important role to play in facilitating sustainable development” and giving “people a real choice about how they travel.” Paragraph 32 adds that decisions should take account of whether, amongst other issues: safe and suitable access to the site can be achieved. Paragraph 35 says: “development should be located and designed where practical to ... give priority to pedestrian and cycle movements, and have access to high quality public transport facilities”.

Policy CS1 of the Core Strategy (Addressing climate change and carbon reduction) says: “Opportunities for walking and cycling should be maximised through new development and in existing areas emphasising the aim to provide opportunities that encourage and facilitate modal shift towards more sustainable transport modes”. These objectives are consolidated in Policy CS10 of the Core Strategy and Policy T/10 of the Replacement Local Plan. The latter adds that development will be permitted if it does not prejudice highway safety.

Policy DM24 of the ‘Sites and Policies Plan Part 1’ (Development Management Policies) Publication Version is also material. It says: “Development giving rise to a significant number of travel movements will only be refused on transport grounds if it... is not accessible by non-car modes or it cannot readily be integrated with public transport, cycleway and footpath links and bridleway where appropriate.”

Policies T/10 of the North Somerset Replacement Local Plan and DM24 of the Sites and Policies Plan indicate that development will only be permitted if it would not prejudice highways safety. It adds that development giving rise to a significant number of travel movements will only be permitted if it is not likely to lead to an unacceptable degree of traffic congestion or to generate traffic that cannot be accommodated without seriously affecting the character of the surrounding area, and the site can be readily integrated with public transport, cycleway and footpath links.

Traffic Generation

The applicant has used robust methodology in assessing the future traffic generation from the development and this predicts 28 additional morning and 11 evening peak hour trips from the site. These are less than the thresholds set out in the Backwell Neighbourhood Plan for which a Transport Assessment (TA) should be submitted. The forecast increase in movements through the A370 Backwell crossroads is considered minimal and well within daily variations of average traffic volumes at this junction.

Using industry recognised tools for assessing the operation of the Moor Lane/Station Road junction, the operation of this, based on 2021 base plus development, it is further concluded that the Moor Lane/Station Road junction will

SECTION 1

operate satisfactorily without a material detrimental impact on localised junction flow and capacity. It is noted that currently traffic queuing on Station Road waiting at traffic signals to proceed under the rail bridge can block the entrance to Moor Lane, and accordingly the applicant has proposed to create a yellow box junction at this point to allow unimpeded access into and from this junction. This is considered essential to prevent further delay and disruption of turning manoeuvres. This will need to be delivered by a Traffic Regulation Order (TRO) which the applicant is expected to fund.

Location and Accessibility

There is a range of services and functions within the village that are all accessible by footpath and within walking distance of the site. Nailsea and Backwell Station is located immediately to the north of the site. Rail journeys to Bristol Temple Meads take around 12 minutes. Services to Weston-Super-Mare take between 17 and 21 minutes. The bus stops on Station Road, approximately 90m to the north east, travel locally around Backwell and to Nailsea, Portishead, Yatton and Congresbury.

Backwell Neighbourhood Plan identifies local facilities including shops, businesses and services. These include: a) Backwell Medical Centre; b) Backwell Dental Care; c) 24 shops and a Post Office; d) 3 public houses and a village club; e) 2 restaurants, two takeaways; f) Various businesses including 3 garages/car sales; g) Play-groups, Infant, Junior, Secondary Academy and private school. The retail facilities are spread along the Rodney Road, West Town, Dark Lane and Station Road parts of the village. There is also a mix of existing employment uses/opportunities, community and leisure and health facilities. In terms of walking distance, the Briars, from which the development would be accessed, is approximately 0.6 mile to the crossroads and is estimated at a 3-5 minute walk. Other shops and facilities e.g. are around 0.5 miles from The Briars but accessible via a different route, on side roads-Rodney Road, Westfield Road and Moorfield Road.

Parking

Objectors have drawn attention to concerns over increased volumes of traffic that may be caused by the development. They argue that the current roads are inadequate to support the current traffic; with congestion on Station Road and the A370 and road safety concerns for pedestrians. Residents locally also raise concerns about on-street parking in Moor Lane, which is alleged to be attributable to long-stay parking associated with rail travellers who wish to avoid parking charges at the Station Car Park. There is concern locally that increased traffic as a result of the development will cause congestion and safety problems on Moor Lane. There is also concern about the difficulty and potential danger for

SECTION 1

pedestrians, especially schoolchildren crossing the Moor Lane junction onto Station Road, when there will be increased traffic volumes.

In respect of the parking issues on Moor Lane, the existing situation has been observed by officers. It is not considered that the proposed development will make this materially worse in terms of congestion or road safety. However the applicant has offered unilaterally to contribute the cost of a Traffic Regulation Order and on balance it is recommended that this be accepted. It is considered that a physical solution on Moor Lane would be difficult to achieve without potentially needing to acquire land, and with loss of vegetation and erosion of character and might merely encourage parking. Equally it is possible that introduction of parking restrictions might merely displace parking slightly further afield, but this is a matter highlighted in the Backwell Neighbourhood Plan, which supports the introduction of parking restrictions in appropriate areas. It is not considered to that these objections are of such significance that refusal of the application would be justified.

The Station Road route to the crossroads does not have a continuous footway on either side of the road and pedestrians may have to cross at intervals to remain on a footway. This route is busy with vehicles at certain times of the day, notably when Backwell Secondary School opens and ends, when there are large numbers of schoolchildren using the footways. Notwithstanding this it is considered that the increase in traffic on surrounding roads will not be such that refusal could be justified and the increase in traffic using Moor Lane is unlikely to make the crossing of the mouth of Moor Lane materially different from the current situation. Improvements to the footways on Moor Lane to provide a missing 60m section of footway is proposed by the developer. No cycle infrastructure is proposed as there is no exiting infrastructure of this nature into which the development can link.

It is not considered to be in conflict with Policy CS1 and 10 of the Core Strategy or Policy T/10 of the Replacement Local Plan. Neither are the traffic volumes that will be generated by the development in conflict with Policy DM24 of the 'Sites and Policies Plan Part 1' (Development Management Policies) Publication Policies T/10 of the North Somerset Replacement Local Plan and DM24 of the Sites and Policies Plan indicate that development will only be permitted if it would not prejudice highways safety. In the case of this development it is not considered that the development will lead to an unacceptable degree of traffic congestion.

Cycling and walking

PLANNING POLICY: HIGHWAY 3 of the Neighbourhood Plan supports the creation of an appropriate network of cycling and walking routes. New

SECTION 1

developments will be required to include safe walking and cycling routes where this is feasible. The objective is to work towards creating a network of cycleways/footpaths and public transport routes that ensure safe, convenient and direct access to local services and linkage with neighbouring settlements. This site will create an internal path network but cannot in itself contribute to extending the network, by reason of its location adjacent to the rail embankment and intervening uses that prevent access to Station Road by any means other than Moor Lane at present. There is an opportunity to create a route in this manner should the commercial garage to the east ever come forward for redevelopment. This would have to be addressed at reserved matters stage.

A number of detailed issues have been discussed and these have now been resolved. These include the ability of the layout to accommodate refuse and fire appliance vehicle access and manoeuvring. It has been concluded that there is no necessity to require any secondary access at this stage. This will be determined at reserved matters stage when the layout is formally considered.

The applicant has agreed to make a contribution towards travel packs to assist with establishment of sustainable travel habits by residents of the development.

In conclusion there is no objection to the application on transport grounds subject to a s106 agreement providing for various mitigation elements. Detailed matters will be picked up at reserved matters stage.

Issue 3: Landscape and visual impact

Backwell Parish Council seeks to promote the allocation of appropriate areas of Local Green Space at Moor Lane in the development plan. This proposal does show that open space will be provided on the site layout. Whilst this does to some extent comprise a necessity to provide ecological mitigation for bats and other species, it will nevertheless provide local green space that can be of usable size and shape.

The NPPF indicates that the planning system should contribute to and enhance the natural environment. This is expanded upon in the National Planning Practice Guidance (NPPG) which adds that local landscape character studies can help inform local decisions. As a core planning principle, the integration of new forms of development with the surrounding context is a design objective. Policies CS5 and CS12 of the Core Strategy, GDP/3 of the Local Plan and DM10 of the Sites and Policies Plan seek to protect the character, distinctiveness and quality of the landscape, and proposals are expected to demonstrate sensitivity to the existing local character. Views into and out of larger sites must also be carefully considered in terms of landscape setting. The site is not within any statutory

SECTION 1

landscape designations and there is no likely significant effect on any heritage assets.

The site is within the settlement boundary, allocated for development and relatively inconspicuous, being concealed behind frontage development of a relatively modern housing estate development. On the opposite side of Moor Lane further modern estate development means that the development would not be out of character with this part of Backwell or indeed the settlement as a whole. Therefore the impact is primarily on the local rather than the wider landscape

To the north the rail embankment will conceal most, if not all of the development from view, apart from on the railway embankment and station platform and possibly higher ground to the north, within Nailsea. However from this viewpoint it will be against a backdrop of existing development.

There are concerns regarding the illustrative layout which appears to have been developed in the absence of a detailed tree survey. The ecological survey recommends the retention of as much of the hedgerow network and other habitat as possible. The loss of the wooded area to the northwest could be avoided by re-siting the indicative balancing pond and it is considered that this would be strongly desirable when reserved matters are considered. It would act as screening (from the railway), have value for wildlife and as Public open space.

The layout at reserved matters stage should be also amended from that shown on the illustrative layout to fully retain the hedge along Moor Lane, which is important to its character. Where visibility splays are required hedges should be replanted to retain their function as wildlife corridors and retain the character of the village. Where this isn't possible it is suggested that natural stone walls should be considered.

Given the proposed density of development, there is no reason to suppose that the proposed dwellings cannot be developed whilst maintaining acceptable levels of privacy and amenity for adjacent residents and those in the new development, though the current illustrative plan shows housing on the eastern site boundary to have some potential adverse impact on adjacent housing due to its proximity to the boundary. This would also result in the loss of vegetation that might have a valuable role in softening the development and mitigating the risk of overbearing or overshadowing effects due to proximity to shared boundaries with existing houses. The relationship between any individual plot and the neighbouring properties would be expected to accord or exceed the requirements of the North Somerset Residential Design Guide SPD. Existing properties currently enjoy a relatively open outlook across the application site; however loss of such a view is not a matter that can be given weight in the assessment of the application. The development could have an impact on the living conditions of neighbours during the construction period. The impacts of construction are not a reason to refuse

SECTION 1

planning permission but a construction management plan will be required to agree methods to reduce adverse impacts, for example controls of construction hours and construction traffic routes.

Conclusions

The application is within the settlement boundary where development is acceptable in principle. In this instance, as the change from greenfield land to residential development does not equate to significant harm, any minor conflict with policies CS5 and CS12 of the Core Strategy, GDP/3 of the Local Plan and DM10 of the Sites and Policies Plan does not outweigh the benefits associated with increased housing supply.

Issue 3 Impact on character of area

Policy H/7 of the North Somerset Replacement Local Plan and DM37 of the Sites and Policies Plan Part 1 adopt a positive approach to residential development provided this respects the character of the surrounding area. In this context the site is adjacent to existing residential development along Moor Lane with the surrounding residential development of a varied but modern character. Whilst the site displays a semi-natural appearance, when set against the wider context of site which forms a relatively logical area of development where in terms of character of the area, the proposed development will appear as an extension to the existing urban area this can be given limited weight.

Accordingly, it is considered that the proposal complies with Policies H/7 of the North Somerset Replacement Local Plan and DM37 of the Sites and Policies Plan Part 1. The indicative site layout plans show how the development can integrate with the existing urban form and that *up to 65* plots can be accommodated on the site without appearing unacceptably cramped. It is noted that the proposal is in outline form and a reserved matters application will be required to establish the final site layout and therefore the final numbers of dwellings. This will allow a further assessment of the proposed development to ensure it is in compliance with the development plan policies and the residential design guide and parking standard SPDs. It is considered that the proposed quantum of development provides a balance between the efficient use of land and impact to character of area at the edge of the settlement, subject to detailed assessment against policy considerations, particularly site specific ones, which may result in fewer dwellings being developed. Details of the design, layout, scale and appearance are subject to reserved matters and it is considered that there is scope to achieve a suitable scheme within the parameters of the site that will be in accordance with the requirements of Policy H/7 and DM37 of the emerging Sites and Policies Plan Part 1.

SECTION 1

Issue 4 Ecology

The presumption in favour of sustainable development puts in place the framework for assessing development proposals. It is important to note that this includes reference to minimising impact to biodiversity and ensuring that Local Planning Authorities place appropriate weight to statutory and non-statutory conservation designations, protected species, and biodiversity (NPPF paragraphs 109, 117 and 118). The site is located within the 5km protection zone for the North Somerset and Mendip Bats Special Area of Conservation (SAC). Policies CS4 of the Core Strategy, ECH/11 of the Local Plan and DM8 of the Sites and Policies Plan seek to protect priority habitats and development that could directly or indirectly harm protected species will not be permitted unless the harm can be avoided or mitigated through conditions or planning obligations.

The Neighbourhood Plan is a relatively recently adopted plan and this site was allocated for development within it and the Local Plan. Both documents were subject to examination and were the subject of consultation with Natural England. A strategic environmental assessment screening exercise (SEA) was carried out by North Somerset Council and concluded there are unlikely to be any significant environmental impacts arising from development in Backwell that is shown in the Backwell Neighbourhood Plan. Natural England confirmed that it is satisfied that the Neighbourhood Plan is unlikely to give rise to significant environmental impacts, an opinion also shared by the Environment Agency and Historic England.

Further to this a Habitats Regulations Assessment (HRA) was undertaken and concluded there are unlikely to be significant effects on European sites as a result of the Neighbourhood Plan. Confirmation is sought as to whether a similar exercise at the site level is now required for this development but it is considered likely that the individual and cumulative impacts arising from the combination with other developments in the area have already been considered. If this site were not to be developed it is probable that other alternative sites in less favourable circumstances outside settlement boundaries would have to be considered, given the importance also of meeting the Council's obligations in respect of housing supply.

However in order to ensure that these matters are in compliance it is proposed that the recommendation is subject to final confirmation from Natural England that it has no objections, and if necessary to completion of an HRA.

Issue 5: Flood Risk

Backwell Neighbourhood Plan PLANNING POLICY: SUSTAINABILITY 2. New development should include sustainable drainage systems to reduce or ensure

SECTION 1

there is no increase in surface water run-off to ensure that the development does not increase the flood risk.

Neither the Internal Drainage Board nor the Council's Flood Risk Management team object in principle to the development and have recommended conditions that will enable control to be exerted at the reserved matters stage. Conditions 29 and 31-34 confirm that these principles are espoused in the Council's response to this application. The comments of the Environment Agency have not been received, and these will be reported on the update sheet.

There is understood to be a small risk of flooding to the west arising from surface water run-off but the site is not within a flood plain. The application is not considered to be in conflict with Policy GDP/2 of the NSRLP or CS3 of the Core Strategy or DM1 of the Sites and Policies Plan Part 1: Development Management Policies.

Issue 6: Impact on living conditions of neighbouring residents

As layout, design and landscaping are reserved matters, the final layout of the site has not yet been established. The relationship of the new build proposed to properties and gardens at The Briars is close on the Illustrative plan, showing little scope to retain any boundary vegetation or replant, as gable ends and side paths abut the boundary. Space needs to be retained to keep any mature vegetation of value and plant new hedges. This will need to be the subject of close scrutiny at reserved matters stage and may require a reduction from the maximum number of dwellings proposed.

In terms of neighbour impact the position and orientation of dwellings will need to take account the location of neighbouring dwellings and position of windows in facing elevations to ensure there is no loss of privacy, outlook or unacceptably dominant appearance. The illustrative layout demonstrates that this should be feasible, though when reserved matters are submitted this will require careful assessment against the Council's standards for recommended distances between dwellings etc and may require adjustment of numbers in order to achieve these and other standards.

Issue 6 Crime and Disorder

The Crime and Disorder Act places a duty on local authorities to have regard to crime and disorder issues in exercising their functions. This is also reflected in the Council's local planning policies. However as the Crime Prevention Design Advisor has recognized, many of these considerations will need to be examined and addressed at the Reserved Matters stage. This issue can be given relatively little weight in determining this application as they are matters of detail. The

SECTION 1

proposed development will not have a material detrimental impact upon crime and disorder.

Issue 8: Infrastructure requirements

The NPPF (paragraphs 203-206) says planning obligations should only be sought where they:

- are necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The detailed requirements for planning obligations are set out in the North Somerset Replacement Local Plan (NSRLP), North Somerset Core Strategy (CS) and Sites and Policies Plan Part 1 respectively. This includes Policy CF/1 of the NSRLP and Policies CS9, 10, 16, 20, 25, 26 and 27 of the North Somerset Core Strategy. These are further supported by the North Somerset Core Strategy Infrastructure Delivery Plan, which forms part of the evidence Planning and Regulatory Committee 13.04.16 SECTION 1 26 base for the Core Strategy and Development Contributions SPD. The scope of Section 106 requirements are set out below.

Affordable housing

In order to comply with Core Strategy Policy CS16: Affordable Housing, all sites proposed for 11 or more dwellings, or comprising 1000m² or more are required to provide a minimum of 30% on-site affordable housing, at nil public subsidy, with a tenure split of 82% social rent and 18% shared ownership should be provided and the applicant is understood to accept this.

This application proposes up to 65 dwellings; therefore the affordable housing requirement is 30% of the developed units. If the total number of dwellings changes during the planning application, then required amount of affordable housing will change according to the revised number of dwellings.

The Council will only accept a lower affordable housing contribution if the economics of provision are such that the provision of affordable housing renders the development economically unviable. In this circumstance, the Council or an independent expert employed by the Council, will undertake a full review (funded by the developer) of the development costs and projected sales values in order to determine the level of provision that may be sought from the developer. (see section 6.1 of the Affordable Housing Supplementary Planning Document 2013 for more information.)

SECTION 1

Discussions on housing need, mix, unit type and affordability will need to take place early on with the Council's Housing Strategy & Enabling Team. The affordable housing should provide a choice of housing types, having regard to the recommendations of the Strategic Housing Market Assessment (SHMA), the existing mix of dwellings in the locality and the character and accessibility of the location. The Council will require a mechanism to be in place to ensure that affordable housing remains affordable and available to those in housing need in perpetuity.

Education

Contributions are still to be finally confirmed but it is understood that the development will require contributions to early year's places, and secondary places. There are currently spare primary school places at local schools, and the deficit of places maybe such that only a small or no contribution from this development can be justified. This will be further clarified at committee.

Sustainable Transport

A contribution to taster tickets and travel packs is agreed by the applicant. Contributions to improving bus stops is also sought and implementation of the Framework Travel Plan.

Traffic Regulation Order

A contribution to conducting surveys of parking in Moor Lane and any TRO required addressing any recommendation arising from these is proposed unilaterally by the developer.

Off-site public open space enhancements

It is proposed that the developer make a contribution of £15k towards increasing accessibility to the supporting facilities at Backwell Recreation Ground.

Off-site new or enhanced community facilities, including local library facilities

It is proposed that contributions of approximately £6k for equipment at Backwell Recreation Ground, £15k to increase capacity at the kitchen at the Parish Hall, and £8175 to Nailsea Library be negotiated.

Off-site sport/leisure provision

Commuted sums are proposed

Public Rights of Way

Off-site financial contributions for improvement to structures on the public rights of way network in the vicinity of the application site are required as it is

SECTION 1

considered that the additional residents will place pressure on the rights of network in the immediate vicinity of the site. This will go towards improvements to 5 existing gate structures on the public rights of way network in the vicinity of the site being LA 2/31 LA2/34 and LA2/123.

All other matters raised by the consultees have been taken into account, but none is of such significance as to outweigh the considerations that led the recommendation below.

Issue 9: Other matters

Other matters have been raised by consultees, namely disturbance during construction. However such matters are dealt with by other legislation and are also proposed to be addressed by requiring a Construction Environmental Management Plan.

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application

Conclusion

The location of the site within the settlement boundary and the background of the Backwell Neighbourhood Plan and Sites and Policies Plan proposed allocation, together with its previous history as an allocated but undeveloped employment site are material reasons why this application should be approved. There are matters that will require discussion at reserved matters stage and this will enable the Council to pick up issues that currently suggest features that might be less than satisfactory or could be improved upon when details are drawn up. These however do not compromise the principle of the development, which is acceptable.

The village is considered to enjoy a good level of sustainability as a service village and the site itself is considered to be relatively accessible to these facilities. From a strategic perspective the proposal accords with the Council's housing distribution strategy in remitted policy CS14 of the Core Strategy, in that Backwell is identified as a Service Village where some growth is proposed. The location of the site is therefore considered to be sustainable and complies with

SECTION 1

paragraphs 29 and 35 of the NPPF and Policies CS1, CS10 of the Core Strategy and T/10 of the Replacement Local Plan.

The site is available and the application will boost local housing delivery and the reinstatement of a 5-year housing land supply. It also proposes that 30% of the homes to be built on site are 'affordable' homes that complies with the Policy CS16 of the Core Strategy. Other generic economic benefits include the 'New Homes Bonus', increased local spending which, although not demonstrated in the application, that is likely to ensue from more people living in the area. The temporary benefit of construction jobs and supplies to implement the development is also relevant, though it is a transient benefit and not one that is unique to this site. Policy CS20 of the Core Strategy also requires housing to be provided in tandem with employment development.

The development will provide homes for people in a convenient location so that they can feel part of a community and where facilities and services are available, local and accessible.

The site is considered to be environmentally sustainable in a number of respects. It would not have a significant detrimental effect on the wider landscape and has no likely significant effects on any heritage asset. In addition, subject to confirmation, it is considered unlikely to have a detrimental effect on biodiversity. There are no ecological, drainage, archaeology, noise, air quality or agriculture objections to the application, although planning conditions will be required to mitigated and / or control such matters. It is also considered that the principle of up to 65 dwellings can be accommodated in a sensitive way having regard to the design characteristics of local area, whilst protecting the privacy and amenity of nearby residents.

If the application is approved and implemented the resulting volume of traffic would still be within the operational capacity of local roads and junctions but improvements are however required in respect of pedestrian safety and access to Moor Lane. The applicant has demonstrated that these matters can be resolved and undertaking the necessary procedures and securing such works would be through a S106 legal agreement. Subject to this there are no traffic safety objections to the application and the proposal accords with Policy CS10 of the Core Strategy and T/10 of the Replacement Local Plan.

The principle of residential development is considered to be sustainable and is therefore recommended for approval subject to remaining confirmation on certain points and to the mitigating package of measures identified for delivery via a s196 agreement.

SECTION 1

RECOMMENDATION: Subject to 1) advertisement of the application as a departure from the development plan 2) the completion of a legal agreement securing (a) 30% on-site affordable housing provision at nil public subsidy, with a tenure split of 82% social rent and 18% shared ownership; b) school place provision, c) Sustainable Transport, including improvements to local stops, bus taster tickets and travel packs and implementation of Framework Travel Plan(or if appropriate by condition) d) the cost of any survey work on parking issues at Moor Lane and the cost of Traffic Regulation Orders to address issues relating to on-street parking in Moor Lane, and for the creation of a yellow box junction at Moor Lane /Station Road e) Off-site public open space enhancements , f) Off-site new or enhanced community facilities, including local library facilities, g) Off-site sport/leisure provision h) Public Rights of Way i) Off-site public open space enhancements , j) off-site new or enhanced community facilities, including local library facilities_k) Off-site sport/leisure provision 3) satisfactory resolution of any biodiversity issues raised by Natural England, including, if necessary an HRA and additional survey work and 4) any flood prevention issues by the Environment Agency, the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairman and Vice-Chairman and local member:

1. Prior to submission of any reserved matters, a Master Plan or framework of development document to establish the main principles of the layout and design principles shall be submitted to and approved by the Local Planning Authority.
2. Before any work is commenced, details of the design and external appearance of the building(s), the landscaping of the site, the layout, and the scale (hereinafter called the reserved matters shall be submitted to and approved in writing by the Local Planning Authority.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.
4. The development hereby permitted shall, unless otherwise subsequently agreed by the Local Planning Authority in writing, be carried out in accordance with the supporting documents and approved plans referred to in the decision letter (to be listed).

SECTION 1

5. No development shall commence until a tree and hedgerow retention plan identifying all existing trees and hedgerows to be retained has been submitted to, and approved in writing by the Local Planning Authority.
6. No development shall commence until a bird nesting and bat roosting strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall include the specification and locations of proposed bird nesting places and bat roosting places. The development shall thereafter be carried out in full accordance with the approved details.
7. No development shall commence until a full updated arboricultural report including a tree protection plan and relevant method statements for retaining and cutting through hedgerows, and providing root protection zones has been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details. For the duration of the development works existing trees and hedgerows which are to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified, in writing, by the Local Planning Authority. The Authority shall be informed at least seven days before works start on site so that barrier position can be established. Within the protection area there shall be no excavation, tipping or stacking, nor compaction of the ground by any means.
8. All works comprised in the approved details of landscaping should be carried out during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.
9. Trees, hedges and plants in any development phase shown in the landscaping scheme to be retained or planted, which during the development works or during a period of ten years following implementation of the landscaping scheme in that development parcel, which are removed without prior written approval from the Local Planning Authority or which die, become seriously diseased or damaged, shall be replaced in the first available planting season with other such species and size as are to be agreed with the Local Planning Authority.
10. No site clearance, preparatory work or development shall take place until a schedule for arboricultural supervision of the installation and required adjustments of the protective fencing has been approved in writing by the tree officer. The scheduled inspections shall be carried out as described and approved, and a written report(s) submitted to the tree officer. This tree condition may only be fully discharged on completion of the

SECTION 1

development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

11. The erection of fencing for the protection of any retained tree and hedge shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.
12. Details of the external lighting, including temporary/construction and permanent lighting, shall be provided at the Reserved Matters stage to include:
 - (i) details of the type and location of the proposed lighting;
 - (ii) existing lux levels affecting the site;
 - (iii) the proposed lux levels; and
 - (iv) lighting contour plans.
13. The Street Lighting Design Plan (Insert reference:) demonstrates that light spill can be contained within the development, and the scheme shall ensure that light levels do not exceed 0.5 lux (and ideally are maintained at below 0.04 lux) along the boundary hedgerows and habitats to permit continued foraging and commuting of horseshoe bats across the landscape. Details for all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter any external lighting shall be installed and operated in accordance with the approved details and shall not be varied without agreement in writing from the LPA.
14. As part of the Lighting Strategy mitigation, prior to the commencement of development details of the fencing to be provided around private rear gardens of the individual dwellings comprising close boarded back garden fences of sufficient height and standard to prevent light spill from the rear of individual houses onto boundary hedgerow must be submitted to, and approved in writing, by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved plans.

SECTION 1

15. No development shall commence until a scheme for the soundproofing of the residential properties with facades facing the railway line has been submitted to and approved in writing by the Local Planning Authority. All measures should achieve the levels in BS8233:2014 'Sound insulation and noise reduction for buildings – Code of Practice'. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 3 have been complied with.
16. Prior to the submission of any reserved matters, an investigation and risk assessment, in addition to any assessment provided with the planning application shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

Where the investigation and risk assessment recommends a scheme of mitigation, prior to commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use by

SECTION 1

removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

17. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
18. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the LPA. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. It shall include a detailed working method statement to avoid/minimise impacts on protected and notable species and important habitats. A plan showing measures for habitat protection and retention shall be provided, including protection and retention of at least 5m buffer zones between the boundary of development and the hedgerows. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, with any amendments agreed in writing with the LPA before proceeding.
19. Prior to the commencement of development, a Habitat Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall cover a ten year period and include measures for establishment, enhancement and management of habitats within the site, including planting schedules and details of ongoing management. This shall include a timetable for management activities as well as a monitoring schedule. The plan should also detail the measures for the protection and enhancement of biodiversity, including those specifically for the benefit of European Protected Species, within the site.

SECTION 1

20. Prior to the commencement of development an updated ecological and protected species survey must be submitted to, and approved in writing, by the Local Planning Authority. This shall include a full written schedule of how the updated survey work has informed the details to be subsequently approved under a reserved matters application.
21. No works shall be commenced until sample panels of the external materials to be used for dwellings, boundary walls, roads, pavement and parking areas and any other related infrastructure to be constructed either on or off site. These shall include, all brick, stone, colour of render, roofing materials to be used for the dwellings, surface materials to be used in the construction of the roads, pavements and parking areas, and brick, stone or other material to be used in boundary treatments. The sample panel(s) shall be submitted to and approved, in writing, by the local planning authority. Construction shall be only in accordance with the approved sample panel in terms of colour of brick, mortar mix, jointing and means of laying. The development shall be carried out in the approved materials unless otherwise agreed in writing by the Local Planning Authority.
22. No development shall take place until a cross section plan showing the finished floor levels, eaves and ridge heights of the proposed dwellings adjacent to Priors Cottage in conjunction with the eaves and ridge height of Priors Cottage, have been submitted to, and approved in writing by the Local Planning Authority.
23. All HGV movements associated with the delivery and collection of machinery, equipment and materials to the site during the construction phase shall take place outside of highway network peak hours (08:00-09:00 hours and 17:00-18:00 hours) and shall be routed via the approved Construction Traffic Routing Plan as set out in the Construction Traffic Management Plan. The development must be carried out in accordance with the Construction Traffic Routing Plan unless otherwise agreed, in writing, by the Local Planning Authority.
24. The dwellings hereby approved shall not be occupied until measures to generate 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low-carbon technologies have been installed and are fully operational in accordance with the approved details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.
25. The dwellings hereby approved shall not be occupied until the space and facilities provided on site for the storage and collection of waste have been

SECTION 1

constructed and implemented in accordance with the approved plans. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the local planning authority.

26. No more than 65 dwellings shall, be erected on the application site.
27. No development shall take place on the site until a detailed site development project plan setting out key milestones in the development, including site preparation, plot commencements, installation of street lights, submission of drawings for approval in principle to structures and open spaces and play equipment, and land drainage consents, and relates them to proposed dates for adoptions of each element has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with this timetable unless any variations have first been submitted to and approved in writing by the Local Planning Authority.
28. The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the sustainable drainage scheme, which gives both source and site control has been submitted to the LPA and approved in writing by the LPA. Those details shall include:
 - a) Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (4 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 - b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - c) Flood water exceedance routes, both on and off site;
 - d) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.
29. No works shall be commenced until sample panels of the external building materials to be used in the construction of dwellings and surface materials to be used in the construction of the roads, pavements and parking areas, have been submitted to and approved, in writing, by the local planning

SECTION 1

authority. Construction shall be only in accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority.

30. The drainage system hereby approved shall not be constructed until the pre-construction requirements set out below have either been; submitted to and accepted by the LPA, or adhered to as stipulated within the requirement. The method statement shall include: Schedule of works; details of construction of all SuDS components; management of any temporary works that will affect the approved system; and mitigation for;
 - pollution/sediment loading,
 - potential damage to SuDS during construction,
 - flooding and damage up or down stream.
 - increase discharge to downstream systems

31. The drainage system must be maintained by the developer prior to the adoption by an approved body to ensure it functions as designed. The maintenance requirements set out below must have either been; submitted to and accepted by the LPA, or adhered to as stipulated within the requirement prior to handing over to the approved body.
 - a 12 month functioning period where the developer is responsible during this period
 - Rectifying any defects prior to handover that occur, until such time as the drainage system is passed to the maintaining organisation.
 - The developer to supply copies of electrical and other test certificates, where appropriate, and the operation and maintenance manuals for the all components of the drainage system.

32. No development should proceed until the surface water drainage proposals, including any off-site works and arrangements for any proposed phasing, have been agreed with the Local Planning Authority (LPA) in conjunction with the North Somerset Levels Internal Drainage Board (NSLIDB) and your Council's technical services staff.

33. No development should proceed until an operational and maintenance manual has been to be submitted to and agreed by the LPA in consultation with the NSLIDB and your Council's technical services staff.

34. The dwellings hereby approved shall not be occupied until measures to generate 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low-carbon technologies have been installed and are fully operational in accordance with the approved details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved

SECTION 1

technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

35. The dwellings hereby approved shall not be occupied until the space and facilities provided on site for the storage and collection of waste have been constructed and implemented in accordance with the approved plans. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the local planning authority.
36. No development shall take place within the site until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of investigation.

Summary of advice notes to be included on the decision notice

Advice notes are not conditions but are a means of making a statement to the applicant or drawing attention to the requirements of other legislation.

1. The applicant/developer is advised that the site lies within the North Somerset Levels IDB Area IDB who have Byelaws which they require a 9 metre corridor free of all development (including roads, street furniture and vegetation to maintain an access for maintenance) to all rhyes in the area.

The applicant/developer will also need to agree peak flows and volumes with the IDB if the discharge point is to the rhyne network.
2. The applicant/developer is advised that both NSC and the IDB have a policy of no culverting of rhyes apart from access points, as stated in the North Somerset LFRMS.
3. The applicant/developer is advised that there must be no tree planting within 6 metres of the live sewers, no level changes without agreement with Wessex Water and no building within 3 metres of the sewers up to 375mm diameter and 4 metres for the 525mm diameter sewer.
4. The applicant/developer is advised that Land Drainage Consent will need to be applied for on any works within 9.0 metres of the top of bank of any watercourse or connection to any watercourse under the Board's control. These details will need to be agreed and consented by the North

SECTION 1

Somerset Levels Internal Drainage Board. As part of the land drainage consent application for any works required to existing drainage infrastructure or for any off-site requirements to enable the scheme, the NSLIDB may seek to recover its costs over and above the normal Consent application fees, including engineers time and expenses.